PTO/SB/26 (09-06)

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TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING

Docket Number (Optional)

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING TION OVER A "PRIOR" PATENT

REJECTION OVERA TRICK TATERY	
n re Application of: Gregory, et al.	
pplication No.: 10/825,658	
iled: April 14, 2004	-
or: Method for Making a Termination for a Wire Rope for Mining Equipment	
The owner*, ABL Services. Inc. , of 100 percent interest in the instant application hereby disclair except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyone expiration date of the full statutory term prior patent No. 11/016,940 as the term of said prior patent is defined in 35 U.S.C. 1 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. To greement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns. In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application to evold extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later: expires for failure to pay a maintenance fee; is held unenforceable; is found invalid by a court of competent jurisdiction; is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321; has all claims canceled by a reexamination certificate; is reissued; or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.	so his
Check either box 1 or 2 below, if appropriate. I. For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.	5 50
2. The undersigned is an attorney or agent of record. Reg. No. 356/4	
MATECH 22 ZOO	<u> 3</u>
Signature Date	
George R. Schultz	
Typed or printed name	
214-210-5940	
Telephone Number	
✓ Terminal disclaimer fee under 37 CFR 1.20(d) included.	
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.	
*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this certification. See MPEP § 324.	
This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the US	PTO

Inis collection or information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

03/28/2007 HVUONG1 00000016 10825658

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Ser. No. 10/825,658 Examiner: Kuang Y. Lin

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

application of:

GREGORY, ET AL.

Serial No.:

10/825,658

Filing Date:

April 14, 2004

Title:

METHOD FOR MAKING A TERMINATION FOR A WIRE

ROPE FOR MINING EQUIPMENT

Examiner:

Kuang Y. Lin

Group Art Unit:

1725

Mail Stop Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

Submission of Terminal Disclaimer

Applicants' attorney acknowledges with appreciation the telephone interview granted by the Examiner on March 16, 2007. In the course of the telephone interview, the Examiner discussed a possible obviousness type double patenting rejection based upon U.S. Application No. 11/016,940. In order to facilitate prosecution of this application to an early conclusion, applicants submit herewith a Terminal Disclaimer in the above identified application against U.S. Application No. 11/016,940.

A check in the amount of \$65.00 to cover the fee for a Terminal Disclaimer is submitted herewith. The Commissioner is hereby authorized to charge any further fees in connection with the filing of this submission to Deposit Account No. 50-2225.

This submission is filed by first class mailing and also with a confirmation copy by facsimile to fax number 571-273-8300.

Submission of Terminal Disclaimer 31223.00035

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All States

Ser. No. 10/825,658 Examiner: Kuang Y. Lin

Respectfully submitted,

Date: March 22, 2007

George R. Schultz Reg. No. 35,674 Schultz & Associates, P.C. 5400 LBJ Freeway Suite 1200 Dallas, Texas 75240 (214) 210-5940

(214) 210-5941 – Facsimile E-mail: russ.schultz@grspc.com Schultz & Associates, P.C.

INTELLECTUAL PROPERTY ATTORNEYS



March 22, 2007

Mail Stop Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Re:

U.S. Continuation Patent Application No. 10/825,658

"METHOD FOR MAKING A TERMIANTION FOR A WIRE ROPE FOR

MINING EQUIPMENT" Atty. Docket: 10152.0102

Sir:

Enclosed for filing, please find enclosed the following:

- 1. Terminal Disclaimer to Obviate a Double Patenting Rejection Over a "Prior" Patent (PTO/SB/26);
- 2. Submission of Terminal Disclaimer;
- 3. Check in the amount of \$65.00;
- 4. Certificate of Mailing by First Class Mail;
- 5. Transmittal Letter (in duplicate); and
- 6. Postcard receipt.

The Commissioner is hereby authorized to charge any underpayment of fees, or credit any overpayment, to Deposit Account No. 50-2225.

Very truly yours,

George "Russ" Schultz

GRS/slc Enclosures Attorney Docket No. 10152.0102

Ser. No. 10/825,658 Examiner: Kuang Y. Lin

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

GREGORY, ET AL.

Serial No.:

10/825,658

Filing Date:

April 14, 2004

Title:

METHOD FOR MAKING A TERMINATION FOR A WIRE

ROPE FOR MINING EQUIPMENT

Examiner:

Kuang Y. Lin

Group Art Unit:

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CERTIFICATE OF MAILING BY FIRST CLASS MAIL

The undersigned hereby certifies that the following documents:

- 1. Terminal Disclaimer to Obviate a Double Patenting Rejection Over a "Prior" Patent (PTO/SB/26);
- 2. Submission of Terminal Disclaimer;
- 3. Check in the amount of \$65.00;
- 4. Certificate of Mailing by First Class Mail;
- 5. Transmittal Letter (in duplicate); and
- 6. Postcard receipt.

relating to the above application, were deposited as First Class Mail with the United States Postal Service, addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on March 22, 2007.

Mailer